

UNITED STATES DISTRICT COURT
for theCLERK'S OFFICE U.S. DIST. COURT
AT DANVILLE, VA
FILED

Western District of Virginia

DEC - 1 2011

JULIA C. DUDLEY, CLERK
BY: *M. J. D.*
DEPUTY CLERK

United States of America)
v.)
CLYDE HENRY NEWBY, JR.) Case No: 4:04CR70039-001
) USM No: 10458-084
)
Date of Previous Judgment: 12/15/2004) Defendant's Attorney
(Use Date of Last Amended Judgment if Applicable)

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of _____ months is reduced to _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: _____ Amended Offense Level: _____
Criminal History Category: _____ Criminal History Category: _____
Previous Guideline Range: _____ to _____ months Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

The reduced sentence is within the amended guideline range.
 The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
 Other (*explain*): _____

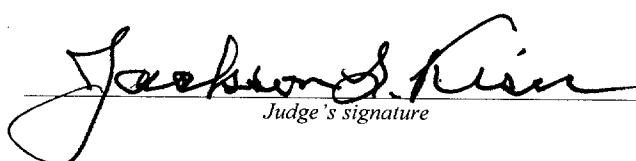
III. ADDITIONAL COMMENTS

The Court imposed the statutory minimum sentence. Therefore, no further reduction is authorized.

Except as provided above, all provisions of the judgment dated 12/15/2004 shall remain in effect.

IT IS SO ORDERED.

Order Date: 12/01/2011

Effective Date: _____
(*if different from order date*)

 Judge's signature

Senior United States District Judge

Printed name and title